

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 751

93RD GENERAL ASSEMBLY

2006

3715S.02T

AN ACT

To repeal section 177.091, RSMo, and to enact in lieu thereof one new section relating to public school property.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 177.091, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 177.091, to read as follows:

177.091. 1. The school board in each seven-director district, as soon as
2 sufficient funds are provided, shall establish an adequate number of elementary
3 schools, and if the demands of the district require more than one elementary
4 school building, the board shall divide the district into elementary school wards
5 and fix the boundaries thereof. The board shall select and procure a site in each
6 ward and erect and furnish a suitable school building thereon.

7 2. The board may also establish high schools and may select and procure
8 sites and erect and furnish buildings therefor.

9 3. The board may acquire additional grounds when needed for school
10 purposes. If the directors of both school districts involved agree, such grounds
11 may be located outside of the boundaries of the district and operated for school
12 purposes.

13 4. If there is any school property, the ownership of which is vested in the
14 district, that is no longer required for the use of the district, the board, by an
15 affirmative vote of a majority of the whole board, may authorize and direct the
16 sale or lease of the property, except that, property outside the boundaries of the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 school district may not be leased. Real property may be sold or leased by listing
18 the property with one or more real estate brokers licensed by the state of
19 Missouri and paying a commission upon such sale or lease. Real property not
20 sold or leased through a real estate broker and all personal property, unless sold
21 or leased to a public institution of higher education, shall be sold or leased to the
22 highest bidder. If real property is not sold or leased through a real estate broker,
23 notice that the board is holding the property for sale or offering it for lease shall
24 be given by publication in a newspaper within the county in which all or a part
25 of the district is located which has general circulation within the district, once a
26 week for two consecutive weeks, the last publication to be at least seven days
27 prior to the sale or lease of the property; except that, any real or personal school
28 property may be sold or leased to a city, state agency, municipal corporation, or
29 other governmental subdivision of the state located within the boundaries of the
30 district, for public uses and purposes, by the giving of public notice as herein
31 provided and at such sum as may be agreed upon between the school district and
32 the city, state agency, municipal corporation, or other governmental subdivision
33 of the state. The lease or deed of conveyance shall be executed by the president
34 and attested by the secretary of the board. If the district has a seal, it shall be
35 affixed to the deed or lease. The proceeds derived from the sale of real property
36 or nonrealty by districts identified as financially stressed pursuant to section
37 161.520, RSMo, shall, until July 1, 1998, be placed to the credit of the incidental
38 fund or the capital projects fund of the district, with notice of any such sale to be
39 included in the budget and education plan submitted to the department of
40 elementary and secondary education, and, on and after July 1, 1998, any such
41 proceeds shall be placed to the credit of the capital projects fund. The proceeds
42 from the sale of real property or nonrealty and from leases, by any other district,
43 shall be placed to the credit of the capital projects fund.

44 **5. Notwithstanding the provisions of subsection 4 of this section**
45 **to the contrary, after twenty-five years from the date of purchase, any**
46 **city of the fourth classification with more than four hundred but fewer**
47 **than five hundred inhabitants and located in any county of the fourth**
48 **classification with more than thirty-two thousand nine hundred but**
49 **fewer than thirty-three thousand inhabitants located within the**
50 **boundaries of a school district that has purchased any real or personal**
51 **school property from the school district for public uses and purposes,**
52 **as provided in subsection 4 of this section, may sell the property or use**

53 **the property for whatever purpose such city deems necessary.**

54 **6.** The school board of a seven-director district may also list real property
55 for sale on which a building has been constructed by an approved vocational
56 education class with a real estate broker licensed by the state of Missouri and pay
57 a commission thereon.

58 **[6.] 7.** Other provisions of this section to the contrary notwithstanding,
59 bids for the purchase of any building constructed by students as part of an
60 approved vocational education class may be accepted prior to completion of such
61 construction.

Unofficial ✓

Bill

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